

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it raises no new issues and places this application in condition for allowance.

Claim Status

Claims 8-16 remain pending in the application. No claims are amended in this response.

Rejections under 35 USC § 102

The rejection of claims 8, 9 and 14 under 35 USC §102(b) as being anticipated by Watanabe et al. (US 3,963,950), is respectfully traversed.

Applicant disagrees with the interpretation of Watanabe by the Examiner. That is to say, in the rejection it is asserted that the resin layers 5 and 13 are a fluid tight shell as claimed. However, in Watanabe, the cooling pipes 6 and 7 themselves define a sealed cooling circuit. If the pipes 6 and 7 are not fluid-tight, then there is a serious risk that cooling fluid will come into contact with the winding 2. The resin 13 has only serves a mechanical function and interconnects the assembly of pipes and winding 2 (see column 3, lines 41 to 44). The layer 5 is only an electrically insulating layer, not a fluid-tight shell. Indeed, there is no disclosure of a fluid-tight shell and the assumption that it is, is not supported by the disclosure of this reference.

What is claimed is "means for sealing the cooling circuit with respect to a rotor of the electric machine". The layer 5 is not situated between the stator winding 2 and the rotor. The rotor is situated inside the stator winding 2 (see column 2, line 67) and the layer 5 is situated outside the stator winding.

Put another way, the Examiner advances that the magnetic circuit comprises two parts, the back iron 1 and the winding 2. In the claimed arrangement, the winding is not a part of the magnetic circuit. The winding is only arranged in slots of the magnetic circuit. It is submitted

that the hypothetical person of ordinary skill would readily recognize the distinction between magnetic circuit and winding. The magnetic circuit of an electric machine has the function to guide the magnetic field generated by the winding. The magnetic circuit comprises, for example, stack of iron laminations. In Watanabe, the magnetic circuit is the stator core 1 and is a one part circuit, and is not configured in two parts as claimed. Accordingly, the anticipation rejection of claim 8 should be withdrawn. Claims 9 and 14 recite additional, important limitations and should be patentable for the reasons advanced above with respect to claim 8 as well as on their own merits.

Rejections under 35 USC § 103

The rejection of claims 10-13 and 15- under 35 USC §103(a) as being unpatentable over Watanabe et al. in view of Kikuchi et al., is respectfully traversed.

As the Examiner is aware under the §103 statute, in order to establish a *prima facie* case of obviousness, it is necessary to show that the hypothetical person of ordinary skill would, without any knowledge of the claimed subject matter and without any inventive activity, be motivated to arrive at the claimed subject matter given the guidance of the cited references when each is fully considered as statutorily required.

In this case the rejection is based on the §102 assumption that what is shown is a fluid tight shell. As will be noted from the position advanced above, the structure and disclosure of the Watanbe et al. reference is not such as to lead the reader to this conclusion and thus the citation of Kikuchi et al. to overcome admitted shortcomings in the Watanbe et al. arrangement does nothing to overcome the impropriety of basing a rejection under §103 on the presumption based on the guess-work based interpretation of what is disclosed in Watanabe et al.

It must be appreciated that the hypothetical person would clearly recognize the cooling coil to be self contained and that no further fluid tight shell would be required. Accordingly, the obviousness rejection should be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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